

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RYAN REISS and)
SHAWN REISS,)
Plaintiffs,)
vs.) Case No. 3:18-cv-183
)
LIFE INSURANCE COMPANY OF)
NORTH AMERICA, a CIGNA Company,)
QUEST DIAGNOSTICS, INC. and)
EMMITT TINER,)
Defendants.)

MOTION TO STAY PROCEEDINGS

COME NOW the Plaintiffs, Ryan Reiss and Shawn Reiss, by and through their attorney, James Richard Myers of Law Group of Illinois Ltd., and for their Motion to Stay these proceedings, state as follows:

1. On January 4, 2018, Plaintiffs brought suit in state court seeking an order of court awarding them the death benefits of Brenda Sue Reiss (“Decedent”) stemming from Group Term Life Insurance Policy No. FLX-980057.
2. This cause was previously stayed for 120 days pending the issuance of a death certificate for the decedent. *See* Motion [Document 24] and Order [Document 25].
3. On or about March 22, 2018, a preliminary death certificate for the decedent was issued. Said death certificate, however, lists the manner of death as “PENDING INVESTIGATION” and is not the final death certificate.
4. Life Insurance Company of America, the payor of the death benefits of the Decedent stemming from Group Term Life Insurance Policy No. FLX-980057, has filed a Counterclaim for Interpleader [Document 34].

5. Said Counterclaim for Interpleader reiterates that Life Insurance Company of America cannot determine what, if any, death benefits are payable from Group Term Life Insurance Policy No. FLX-980057 on account of the decedent's death without a death certificate for the decedent indicating a manner of death.

6. Counsel for Plaintiffs has been advised that the FBI continues to investigate the death of the decedent. Until such investigation concludes, no death certificate indicating a manner of death can be issued, and as a result, Life Insurance Company of America asserts that it cannot determine if, or to whom, any death benefit is payable.

7. Plaintiffs seek a stay of this case until such time as a final death certificate indicating a manner of death is issued.

8. This motion is not brought for the purposes of delay, but instead to avoid litigation where none may be required, to conserve judicial resources and those of the parties, and in the interests of judicial economy.

WHEREFORE, Plaintiffs pray that this Honorable Court stay this matter until such time as a final death certificate for the Decedent is issued, and for any other and such further relief as is deemed just and proper.

RYAN REISS and
SHAWN REISS

/s/ James Richard Myers
James Richard Myers

CONSENT TO RELIEF SOUGHT

The undersigned parities have no objection to the relief sought in this motion, and consent to an order staying this cause until such time as a final death certificate for the Decedent is issued.

/s/ Brian J. Riordan (with Consent) .
Attorney for Quest Diagnostics

/s/ James M. Brodzik (with Consent) .
Attorney for Life Insurance Company of America

James Richard Myers
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File #15966.86001

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Motion** was served upon the parties of record electronically through the CM/ECF system on July 31, 2018, including:

James M. Brodzik
Don R. Sampen
Brian J. Riordan
Daniel K. Ryan
P.K. Johnson V

Under penalties of perjury as provided by law, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct.

/s/ James Richard Myers

James Richard Myers

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